

## Section

## 4

## Action Plan

The East Mountain Area is faced with several challenges relative to development and future growth. The following information summarizes the foundation for the Area Plan:

- The area has scenic qualities and an existing rural character that are unique to Bernalillo County, beautiful, and vulnerable;
- Responsible development must be properly planned for and regulated to prevent it from destroying the area's rural character and environment
- Observance of basic conservation principals can avert environmental degradation, including addressing limited water quantity and quality. issues.

The Albuquerque/Bernalillo County Comprehensive Plan, adopted in 1988, identified the entire East Mountain Area as within the Rural district. County A-2 zoning is presently applied to most undeveloped lands in the area. The Comprehensive Plan states that decisions authorizing development in the Rural Area should be made in conjunction with environmental analyses, which highlight site suitability and potential impacts. Furthermore, Rural Areas of great environmental or scenic value should be considered for major Public Open Space designation, acquisition, and preservation. Environmentally appropriate development in Rural Areas should be encouraged to stabilize and maintain the open, rural character. A site's environmental conditions should guide new development's location, intensity, and character in the entire East Mountain Area.

The Comprehensive Plan states that if densities in remote and environmentally sensitive portions of the area were limited to one dwelling unit for every 5 to 20 acres (depending on local environmental conditions), then some problems associated with development at A-1 and A-2 intensities could be minimized. Less dense rural development patterns could provide the opportunity for clustering of residential units, community water and waste water systems, and privately maintained open space.

The Area Plan for the East Mountain Area of Bernalillo County must recognize the goals and objectives of residents, the unique character of the area, and its sensitive environmental conditions. Together, these factors provide direction and guidance for the drafting of land use and development policies specifically tailored for this area. The East Mountain Area's vision, conditions, and goals have been updated to produce the current East Mountain Area Plan.

### *Recommendations*

The recommendations that follow emerged from the existing conditions in the EMA and the concerns and interests of the residents as outlined in the community voices section. These recommendations give direction to the policies in the subsequent section.

### *Policies*

It is important to Rural Area preservation that the distinct character and value of specific regions within the East Mountain Area be recognized and maintained. The unique rural attributes and environmental conditions warrant development standards that differ from those applied in urban Areas. The policies below provide direction for future development and land use decisions in the East Mountain Area.

### *Implementation Measures*

Implementing the policies will only be possible if the necessary funds and personnel are available to the affected County Departments. General implementation provisions include the following:

- Adopt the East Mountain Area Plan (2005) update
- Guide all development with the intent to maintain the rural character of the East Mountain Area.
- Review and make necessary amendments to the Bernalillo County Zoning Ordinance and Subdivision Ordinance for compatibility with the recommendations in the EMAP.
- Establish additional plans to implement goals of the EMAP.

### *Evaluation Tools*

Periodic review and evaluation is critical to the successful implementation of the East Mountain Area Plan. Bernalillo County Zoning, Building, Planning, and Environmental Health Department shall review the East Mountain Area Plan every five years and solicit citizen input in the review. This review shall focus upon action items and recommendations that were accomplished, utility of the plan to the County Planning Commission and staff, and demographic changes in the area. This will allow the County to evaluate the plan's effectiveness and identify areas in need of modifications and/or revisions. The efforts in this plan should be coordinated with those in other Bernalillo County plans that affect the East Mountain Area.

# Land Use

## RECOMMENDATIONS

### RURAL CHARACTER

The rural character of the East Mountain Area is very important to its residents. This character represents a lifestyle different from that in an urban setting. The citizens in the East Mountain Area acknowledge and are concerned that the existence of the area's rural character is vulnerable to change. The special characteristics identified in this section should be preserved to the greatest extent possible. These characteristics give the East Mountain Area its own unique identity and "sense of place".

## POLICIES

1. Bernalillo County shall evaluate future development and land uses in accordance with the specific environmental factors affecting each site. These factors include:
  - water availability and quality
  - waste water disposal and treatment
  - steep slope areas/erosion control
  - floodplain/arroyo corridors
  - visual characteristics
  - vegetation
  - soil types
  - fire breaks in forested areas.
2. All existing and future developments in the East Mountain Area (new subdivisions, new land divisions, and existing lots of record) have the potential to degrade the existing character and environmental conditions and shall be regulated to prevent future degradation.

3. In areas with poor soils, steep slopes, wildlife habitat, and high scenic quality, clustering of development in areas most suitable for any development shall be encouraged in association with permanent open space provisions to Bernalillo County.
4. Subdivisions with trail development potential, as outlined in the East Mountain Trail and Bikeways Master Plan, shall work with Bernalillo County Planning Department and Bernalillo County Parks and Recreation toward identifying and providing trail corridors in subdivision review, approval, and CDRA process.

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| AGRICULTURE | <ol style="list-style-type: none"> <li>1. Agricultural uses within the East Mountain Area shall be preserved through continued and enhanced tax incentives.</li> <li>2. New, small-scale agricultural activities such as light crop production, home gardening, sustainable agriculture, and animal husbandry shall be encouraged where consistent with environmental conditions.</li> <li>3. New agricultural uses requiring extensive irrigation water (1,000 gpm or more) shall be limited to areas with sufficient available water, proven water rights and approval from the Office of the State Engineer.</li> <li>4. Prohibit new SUPs for commercial and manufacturing that would otherwise require M-2 zoning.</li> <li>5. Average residential density for any new subdivision or land division within the East Mountain Area shall not be approved at less than 2-acre net lot size* per single-family dwelling unit.</li> </ol> |
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\*In the subdivision of land, net lot size is calculated by subtracting road areas from the total development acreage.

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SUBDIVISION  
OF LAND

1. Subdivision, land divisions, and development on existing lots in areas of poor soils, steep slopes, wildlife habitat areas, and high scenic quality areas shall require particular attention and planning relative to water supply, waste water treatment, building site, road layouts, drainage, and subdivision design.
2. Commercial development shall occur in the commercial nodes identified through an Economic Development study or a Master Plan areas approved by Bernalillo County
3. New employment uses shall be of an appropriate scale to meet the needs of the area residents and not degrade the environment. Encourage owner-occupied business with local employees.

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BERNALILLO  
COUNTY OPEN  
SPACE

1. Bernalillo County shall continue to work in conjunction with the National Forest Service regarding expansion of recreational facilities in the East Mountain Area.
2. Bernalillo County Zoning, Building and Planning Department shall consider clustered housing, designation of non-buildable areas, and setting limitations on building envelopes in order to preserve key visual and environmental resources including arroyos, steep slope areas, ridgetops, etc.
3. Bernalillo County Parks and Recreation Department shall pursue the acquisition and/or preservation of the Major Open Space Areas identified by the Open Space Advisory Committee.
4. Bernalillo County Parks and Recreation Department shall work with the National Forest Service and City of Albuquerque Open Space Division concerning joint efforts for the provision of trails, trailheads and parking lots, group gathering sites, outdoor classrooms, handicapped access to open space, and acquisition of more open space.
5. Bernalillo County shall prohibit the discharge of firearms on any public lands in the East Mountain Area (unless an authorized law enforcement permit has been granted) similar to existing regulations approved by the US Forest Service.

6. Bernalillo County shall encourage citizen stewardship of specific open space sites and shall work with the East Mountain Coalition of Neighborhood Associations to implement the Trails and Bikeways Master Plan.
7. Bernalillo County shall require all major subdivisions to designate a minimum usable space of 20% of the subdivision as public open space and/or trails

## IMPLEMENTATION

- Establishment of sector plans
- Enforcement of performance guidelines
- Designation of commercial activity centers and corridors
- Requirement of major subdivisions to include open space or public access to open space
- Encourage planned development areas

## SECTOR PLANS

Bernalillo County should prioritize and prepare specific plans for neighborhoods or sub-areas within the East Mountain Area. These plans will specify development criteria for the areas they cover and can establish specialized zoning.

First, a format for sector plans should be established so that future plans will be consistent with this EMAP and the Albuquerque/Bernalillo County Comprehensive Plan. This template will include natural resources analysis, economic data, community facilities and infrastructure review.

Secondly, sub-areas should be selected using factors such as: areas containing the greatest amount of population, areas with established development (residential, infrastructure, etc.), and geographic boundaries. Priority for the creation of sector plans should be given to corridors or subareas that have the most immediate and direct impact on the health, safety, and welfare of residents.

Thirdly, within each sub-area, appropriate zones for designated activity should be established. For example, certain areas could be designated solely as commercial zones. Another option to maintain rural character of the area would be to select zones along North Highway 14 and Interstate 40 that could serve as transitions from commercial nodes to residential areas. These zones could include residential and neighborhood scale businesses. Zones would require appropriate setbacks, performance standards and development guidelines (shared access, signage and landscaping requirements).

Through design guidelines, Bernalillo County may be able to establish clustered housing, designation of non-buildable areas, and setting limitations on building envelopes in order to preserve key visual and environmental resources including arroyos, steep slope areas, ridgetops, etc.

Each sector plan should be presented to the Bernalillo County Commission for approval and adoption.

## LAND CONSERVATION STRATEGIES

There are strategies that can be employed by the county and or a private land trust to protect open space from development.

- Conservation easement programs can function through the purchase and voluntary donation of conservation easements. Conservation easements limit land to specific uses and thus protect it from development.
- Transfer of Development Rights is a mechanism for the transfer of the legal right to develop from one piece of property to another. This allows a landowner to sell his/her development rights on a parcel of property to another location so that the second property may develop at a higher density. The owner of the first property then obtains a return on his/her land while retaining the agricultural status. In 2003, enabling legislation was granted by the New Mexico State Legislature to municipalities and counties providing authority for the transfer of development rights.

## PERFORMANCE GUIDELINES

All new development in the East Mountain Area should follow the performance guidelines presented in this plan. Standards based on performance can be established and implemented within sector plans. Performance standards are based on the effects or the performance of land use activities on a site-by-site basis. Whereas, conventional zoning restricts specific land uses, performance zoning limits intensities/levels of impacts from land uses. They do not preclude or restrict development so long as the performance standard can be met. Performance-based systems are more flexible for the development and building community to use and encourage development to be creative and well designed. General performance guidelines, include the following:

Development Intensity-a measurement of how a particular development contributes to traffic generation, its affect on and need for infrastructure and facilities, its depth of impacts on the terrain, and its compatibility with adjacent land use.

Water/Waste water

Preservation of water quality and quantity can be achieved through careful design of waste water systems approved for use by Bernalillo County, installed by a professional installation company, and inspected and approved by Bernalillo County Office of Environmental Health. This can affect the supply of potable water to new and existing development

Regarding water, all development should do the following:

- Reduce the per capita water consumption.
- Maintain a 100-year water supply
- Eliminate environmental degradation from groundwater mining, water importation, and/or inefficient water use.
- Preserve the quality of the groundwater supply
- Encourage water harvesting and recharge/injection wells which meet state and EPA criteria to provide for aquifer recharge.

Regarding waste water, all development should do the following:

- Eliminate conventional waste water systems constructed on lots having poor soils that have been identified as inappropriate for on-site permeability, percolation, and soil depth analysis.
- Minimize the potential for groundwater pollution through exceptional waste water design, installation and inspection.
- Revise the permit fee to fund ongoing inspection technical review, and enforcement programs at Bernalillo County.
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Wildlife Habitat

Preserve significant habitat areas including riparian areas, wetlands, migration corridors, or other special habitat areas.

Visual Resources

Preserve key visual resources which may include slope areas greater than 25 percent, ridgetops, open meadows and forested areas

Fire Hazard

Provide for an adequate fire water supply

Provide fire breaks, or alternative fire containment techniques within heavily forested areas

Provide for emergency vehicle access to all residential structures.

Neighborhood Compatibility

Promote land development and use that is compatible with adjacent properties.



Subdivisions

For subdivisions proposing to create any number of lots having a net size less than five acres, the following guidelines can maintain the development within the requirements of this plan.

*Water Supply*

Provision of water from an approved private community or other approved water system serving multiple dwelling units

*Waste Water Treatment Systems:*

Provision of an approved centralized waste collection, treatment, and disposal system or public sewer system OR for lots not part of a centralized waste water disposal system, the provision of alternative systems that can be demonstrated to mitigate the adverse impacts of discharging effluent to the environment. For lots not part of a centralized waste water treatment system, the provision of a waste water treatment systems system that meets the most current county ordinances and standards.

*Cluster Development:*

A minimum 20 percent of the site area (up to fifty percent) shall be preserved in permanent useable open space. This space does not include arroyos, cliffs or roadways.

- The minimum tract area considered for cluster development shall be 25 acres.
- The minimum net lot size within a cluster development shall be 0.33 acres.
- In order to prevent the future subdivision of large lots, individual lots created that exceed four acres shall require a note on the plat and deed restrictions specifying that no further subdivision of these lots shall be permitted.
- An open space management plan shall be required in all subdivisions that have open space areas under common ownership.
- Permanent open space must be clearly identified on the Plat and recorded on the property deed.
- Open space that may be suitable for public ownership must be discussed and agreed upon early in the design process and would involve the East Mountain Coalition, Commissioner, Bernalillo County Parks and Recreation, United States Forest Service and potentially the City of Albuquerque.

*Limited Development:*

Establishment of a specific building envelope

The use of buildable envelopes defines the limits of construction activity as a means of preserving natural features of the site. The limits of building envelopes for structures and waste water system components shall be clearly identified on the Site Plan and Plat.

Building envelopes shall be located as follows:

- Located on the edges of fields and in wooded areas whenever feasible to minimize the visual impact of development.

- Shall not include wetlands, streams, riparian areas, arroyos, floodplains, or ridgetops.
- Should not include areas with slopes over 15 percent, if possible, and shall not include any areas with slopes of 30 percent or greater.
- Shall be located to avoid areas of rock outcrops and soils with severe limitations to residential development..
- Building envelopes shall be a maximum of 25,000 square feet per lot.

*Buffer Areas:*

Establishment of a permanent buffer yard (around the entire perimeter of the site) greater than Bernalillo County setback requirements.

*Historic and Cultural Resources:*

Protection of properties with significant historic and/or cultural resources located on site and identified by the State Historic Preservation Office, but not protected by existing Federal or State statutes.

*Public Lands:*

Provision of additional trail access (above and beyond the trail needs identified in an adopted Bernalillo County Trails Plan) to an existing or future public trail for properties adjacent to public lands.

*Parks:*

Designation and preservation (not dedication) of an acceptable site (approved by Bernalillo County Parks and Recreation) for a park for those areas identified by Bernalillo County Parks Department or the Parks Master Plan as needing a park to serve the surrounding community. Availability of water and/or the expected activities and programs of potential park site will determine whether or not the site is suitable for public ownership and maintenance.

*Public Dedication of all Subdivision Roadways:*

Requires approval of the Bernalillo County Public Works Division.

*Identification and Mitigation of Negative Impacts to Habitat Areas:*

Impacted by the development above and beyond those required above.

## DESIGNATION OF COMMERCIAL ACTIVITY CENTERS AND CORRIDORS

The EMAP calls for appropriate commercial activity. An Economic Development Plan including market analysis and corridor study should be carried out to determine appropriate locations for commercial and industrial uses.

## REQUIRE MAJOR SUBDIVISIONS TO PROVIDE OPEN SPACE AND/OR ACCESS TO OPEN SPACE

Currently, developers are not required to provide open space within major subdivisions. In some cases, this has resulted in the restriction of public access to U.S. Forest Service lands abutting the development.

## PLANNED DEVELOPMENT AREAS

Clustering development onto a designated portion of the site (subdivision) allows for the protection of significant or fragile natural resources by leaving the undeveloped areas as open space. Though the overall dwelling units to acreage ratio (density) stays the same, the placement of those structures closer (clustered) together can leave open spaces for the protection of natural resources and the enjoyment of residents. Access to abutting public lands will be provided.

In order for the clustering concept to work, there must be a mechanism for limiting future subdivision and development of the land designated as open space. Some of the possible approaches include deed restrictions, conservation easements, and open space dedications. The owners must be willing to allow for the restrictions and, in the case of public open space, the County must be willing to accept the property as public land.

Bernalillo County should conduct a study to determine which approaches are most appropriate and what role the County should take in restricting future development as opposed to having the limitations established between private parties.

## REVIEW AND EVALUATION

Purpose: to measure the effect of development on rural character. (To gauge the deterioration of rural character).

Wide open spaces, scenic views, farms, and houses spaced far from one another are what largely characterize a rural area. The progress and goals achieved in other plans, such as the East Mountain Trails and Bikeways Master Plan contribute to the effort of maintaining the character of the area.

### Density

Minimum lot size is two acres per one dwelling unit, though larger lot sizes are encouraged. Annual Subdivision Report-A report showing size and density of minor and major subdivisions approved during a specific period of time. Minimum average net lot size per one dwelling must meet the requirements of zoning ordinances, though larger lot sizes are encouraged.